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LUC-309/Akhterzzaman 37-34-21

Remarks

Reconsideration is requested. Claims 28-35 are presented without further amendment in view of the Office Action having been made final.

Rejections under 35 U.S.C. 103:

Claims 28-34 are rejected under 35 U.S.C. 103 as being unpatentable over Kowaguchi (U.S. Patent No. 6,201,973) in view of Tomoike (U.S. Patent No. 6,233,447) and in further view of Murayama (U.S. Patent No. 6,643,514). Claim 35 is rejected based Kowaguchi and Murayama.

Failure to Address Previous Arguments by Applicant

In the Office Action in the section "Response to Arguments", it was indicated that applicant's arguments of February 7, 2006 with respect to the claims were considered moot in view of the new ground(s) of rejection. Applicant respectfully disagrees, e.g. applicant's arguments addressing the receiving and generating steps of claim 28 were not rendered moot.

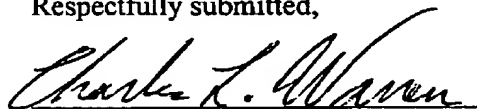
Arguments previously presented by applicant as to the rejection based on Murayama of the receiving and generating steps of claim 1 were, and continue to be, applicable since the same teachings of Murayama applied in the Office Action of November 16, 2005 continue to be applied with regard to these elements. It is apparent that applicant's arguments were and are relevant for consideration since the Examiner continues to rely on the same teachings of Murayama in rejecting these same elements.

The application of a new art reference with applicability only to certain elements of a claim (claim 28) does not render applicant's arguments moot as the elements of the claim to which the new art reference is not relevant. This is not subject to dispute where it is acknowledged in the Office Action (as it is here) that the new art reference (Tomoike) does not teach the subject claim elements (receiving and generating) and when the basis for rejection (Murayama) of the subject claim elements does not change (as is the current situation). Applicant's previously presented arguments specifically addressed the shortcomings of the teachings of Murayama with regard to the requirements of the receiving and generating steps; these arguments were and remain relevant to the rejection. And even if the Examiner were to disagree with applicant's arguments, applicant is entitled to a statement of the basis of the decision reached by the Examiner as to the disagreement so that an assessment of the merits can be made.

Therefore, because applicant's arguments, which were not rendered moot by the newly applied art, have not been addressed by the Examiner, it is requested that the finality of the previous Office Action be withdrawn, applicant's arguments be considered on the record in a further Office Action, and a new date set for a response by applicant.

If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call applicants' attorney at 630-584-9206.

Respectfully submitted,



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